

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

JIAN YOU CHEN

Plaintiff,

v.

Case No.: 7:22cv449

WEI LIU and AYZ LOGISTICS INC.,

Defendants.

SERVE:

Yuan Shoujian
11510 Fennel Street
El Monte, California 91732

Wei Liu
1900 Fullerton Road, Apt. 87
Rowland Heights, CA, 91748

COMPLAINT

COMES NOW the plaintiff, Jian You Chen, hereinafter “Chen,” “Plaintiff,” or “Plaintiff Chen,” and brings this: his civil action seeking money judgment against Defendants for the reasons stated herein in the amounts as recited herein, and in support of this complaint, Chen states as follows:

PARTIES

1. Plaintiff Jian You Chen has at all times relevant hereto has been a resident of Harris County within the state of Texas.

2. Defendant Wei Liu, at all times relevant hereto, has been a resident of Los Angeles County within the state of California at 1900 Fullerton Road, Apt. #87, Rowland Heights, CA, 91748.

3. Defendant AYZ Logistics, at all times relevant hereto, was a corporation with its principal place of business through its registered agent of service: Yuan Shoujian at 11510 Fennel Street, El Monte, California 91732.

JURISDICTION AND VENUE

4. This court has diversity jurisdiction under 28 U.S.C. § 1332 because the parties are diverse and the amount in controversy, exclusive of interest and costs, exceeds seventy-five thousand dollars (\$75,000.00).

5. This court has personal jurisdiction over Defendants pursuant to Virginia Code § 8.01-328.1(A)(1) and (3) because the defendants transacted business in the Commonwealth of Virginia and caused tortious injury by an act or omission in this Commonwealth.

6. Venue is proper in this Court under 28 U.S.C. § 1391(b)(2) because a substantial part of the acts or omissions given rise to Plaintiff's claim occurred in Pulaski County, Virginia which is within the Western District of Virginia and the Defendants are subject to this Court's personal jurisdiction.

FACTUAL ALLEGATIONS

7. On or about September 12, 2020, at or around 6:11 pm, Plaintiff Chen was travelling as a passenger in a tractor-trailer being driven on Interstate 81 in Pulaski County, Virginia. The tractor trailer was driven by Defendant Weil Liu, hereinafter "Liu," a contracted driver of Defendant AYZ Logistics, hereinafter "AYZ." Liu was operating AYZ's truck as an agent, employee, or representative of AYZ. At the time, Plaintiff was off-duty and thus not operating the tractor-trailer or performing any work for AYZ. As they traveled southbound on Interstate 81, Liu negligently lost control of the truck, caused the tractor-trailer to drive leftwards off of Interstate 81. Liu then overcorrected back to the right, crossing the left lane and then right

lane of Interstate 81, striking another tractor-trailer that was already in the right lane. The impact caused both vehicles to leave the right side of Interstate 81.

8. At all times relevant to allegations in this complaint, Liu was an agent and/or employee of AYZ.

9. As such, at the time of the incident that made the basis of this lawsuit, the driver drove and/or operated the vehicle owned and/or leased by AYZ with AYZ's authority and consent within the course and scope of his agency and/or employment relationship with AYZ.

10. As a consequence, AYZ is vicariously liable for each and every negligent act or omission of Liu as described herein.

11. Liu, acting on behalf of AYZ Logistics, had a duty to operate the vehicle with reasonable care and due regard to the rights and safety of driver's passengers and others using the roadway.

12. Liu breached that duty.

13. At the time of the incident, Plaintiff Chen was the passenger of the vehicle and was restrained by a safety belt.

14. Plaintiff Chen was not negligent and did nothing wrong, but rather AYZ's employee driver, Liu, failed to maintain control of the vehicle directly and proximately caused this incident and Plaintiff's injuries.

15. Plaintiff Chen was not prepared for the impact. The force of the impact caused him to suffer a fractured left knee, a fractured leg, and ankle pain. Moreover, this collision has caused Plaintiff to suffer a significant amount of pain and suffering, necessary medical treatment, and significant medical damages. Plaintiff continues to experience pain from the injuries he sustained

as a proximate result of this incident, and he will continue to experience pain in the future and require additional medical treatment in the future.

16. Liu, on behalf of AYZ, was negligent in that he failed to keep his vehicle under proper control, failed to use ordinary care in the operation of said vehicle, failed to properly maintain his lane of travel, and failed to otherwise comply with the applicable rules of the road and federal regulations then and there in force and in effect.

17. Liu, on behalf of AYZ, was negligent per se in that he failed to maintain control of the tractor-trailer in violation of the Code of Virginia, Title 46.2, Chapter 8, §46.2-853 because he was recklessly driving a vehicle not under proper control on a highway in the Commonwealth.

18. WHEREFORE, Plaintiff demands judgment against Defendants in the amount of One Million Dollars (\$1,000,000.00) with pre-judgment and post judgment interest. The pre-judgment interest is to run from September 12, 2020. Plaintiff further seeks reasonable costs and expenses as permitted by law and any such other and further relief as this Court may deem necessary or appropriate.

JURY DEMAND

Trial by Jury is demanded.

/s/ Jerrell Williams

Jerrell Williams (VSB# 75570)

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